

REMARKS

Claims 1, 2, 13, 16, 19, 20, 22, 24-27, 34, 41, 72 and 119-123 are pending and under examination. By this amendment, applicants have amended Claims 1 and 41 to more particularly point out and distinctly claim the invention. The amendments to the claims are supported by the specification and claims as originally filed, and do not introduce new matter. Accordingly, entry of the amendments to the claims is respectfully requested.

Rejection under 35 U.S.C. 102

Claims 1-2, 13, 16, 19-20, 34-35, 72 and 119-123 were rejected under 35 U.S.C. 102(b) as anticipated by Chang, et al. (Oncogene, Vol. 14(13), pp. 1617-1622, 1997) ("Chang"). This rejection seems to be based on the claim language "portion". Since this language has been removed from the claims, this rejection is believed to be moot. Chang simply does not teach cDNA of a mammalian ELF3 gene, wherein the cDNA comprises at least one intron of the ELF3 gene. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. 103

Claim 41 was rejected under 35 U.S.C. 103 as unpatentable over Chang in view of Lowe, et al. (Nucleic Acids Research, Vol. 18, No. 7, page 1757161, 1990) ("Lowe"). For the reasons discussed above with respect to Chang, this rejection should be moot in view of the amendments to Claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. 112

Claims 1-2, 13, 16, 19-20, 22, 24-27, 34-35, 41, 72 and 199-123 were rejected under 35 U.S.C. 112, first paragraph, based on the homology requirement of the claims.

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This rejection should be moot in view of the amendments to Claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

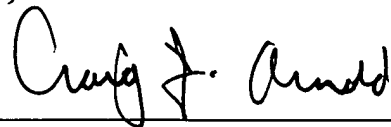
In view of the preceding claim amendments and remarks, applicants respectfully request withdrawal of all rejections and passage of the claims to allowance.

It is believed that no fee, other than the \$525 three month extension of time fee and the \$405 RCE, is required with this response. However, if there are unanticipated fees required to maintain pendency of this application, the USPTO is authorized to withdraw the payment for those fees from Deposit Account 01-1785.

Respectfully submitted,

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